

## REMARKS

Reconsideration and allowance are respectfully requested in view of the Remarks below.

The status of the claims are as follows: Claims 1 - 22 were presented for prosecution.

Claims 9 and 19 were previously canceled. Claims 5, 8, 15 and 18 are hereby canceled. Thus, claims 1 - 4, 6, 7, 10 - 14, 16, 17 and 20 - 22 presently remain pending for consideration.

Claims 1-8, 10-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable by Kelbrick *et al.* in view of Beswick. The Examiner contends that Kelbrick *et al.* in combination with Beswick discloses the claimed invention.

The Applicants respectfully traverse the 103(a) rejection with the following arguments. Kelbrick *et al.*, whether alone or in combination with Beswick, fails to teach or suggest several elements of the present invention. First, the combination does not disclose a supply or source of sterilant wherein the supply or source includes a "**spoon dipper apparatus**," as recited in independent claims 1, 11, and 21. In page 3 of the Office Action the Examiner states "where the spoon dipper was addressed, the specification disclosed as a measuring devise on page 26 line 15 which the patent of Kelbrick also teaches." Respectfully, this general allegation is not substantiated by any specific disclosure within Kelbrick of a spoon dipper apparatus, of any type. Further, the use of such an apparatus in Kelbrick would not be technically obvious because Kelbrick involves the sterilizing of an internal cabinet *in preparation for filling containers*, and not, as in this invention, the application of sterilant to individual containers. It is the sterilization of containers, in part, that makes the use of a spoon dipper apparatus applicable.

Second, Kelbrick *et al.* fails to teach, or suggest, a "mechanism for applying **atomized sterilant on to a container**," as recited in claim 1. Kelbrick *et al.* does not teach or suggest "applying **atomized sterilant to the container**," as recited in claim 11. Finally, Kelbrick *et al.* does not teach or suggest a

"means for applying the **atomized sterilant to a container**," as recited in claim 21. To the contrary, Kelbrick et al.'s entire invention is the application of sterilant to an internal cabinet, in preparation for filling containers. See e.g., Col. 6, lines 8-9, wherein at the end of the specification it states that the described method "renders the machine 10 ready to commence a production run" (i.e., the filling of containers). In other words, the entire specification of Kelbrick et al. is directed to sterilizing a machine *prior* to any filling of a container. Further, in Col. 6, lines 12-14 it states "the skilled person will appreciate that the invention has general application for the sterilization of a wide variety of **machines**" (emphasis ours). Nowhere in Kelbrick et al. is there a suggestion of applying the atomized sterilant *to a container*. Further, Beswick fails to remedy either of these glaring deficiencies in Kelbrick et al.

Third, Kelbrick et al. in view of Beswick fails to teach or suggest a "third supply source of hot sterile drying air for activating and drying the sterilant in the interior of the container, **wherein the container is upright**," as recited in claims 1 and 11. Beswick fails to teach or suggest a "third supply source of hot sterile drying air into the interior of the container for activating and drying the sterilant, **wherein the container is upright**," as recited in claim 21. To the contrary, the container in Beswick is clearly upside down (See e.g., Figs. 13 and 17). This *is* a distinction with a difference, because the present invention does not receive the benefit of gravity assistance in the draining off of sterilant from the container, as Beswick does by having its containers upside down. For example, because of this difference in bottle configurations in the respective inventions, *were the containers in Beswick to be made upright*, Beswick would not be able to reduce the concentration of hydrogen peroxide less than .5 ppm, as recited in claim 10, because it would not have the added benefit of gravity. It is the present invention's unique configuration that, *inter alia*, allows it to reduce concentrations of hydrogen peroxide remaining in a container to less than .5 ppm, despite the fact that the sterilized container is upright. Thus, independent Claims 1, 11 and 21 are not obvious in light of Kelbrick *et al.* In view of Beswick and the rejection under 103(a) should be withdrawn.

In light of the foregoing amendments and arguments, Applicants submit that dependent claims 2-4, 6-7, and 10 are allowable as being dependent upon independent claim 1. Further, Applicants submit that dependent claims 12-14, 16-17, and 20 are allowable as being dependent upon independent claim 11. Finally, Applicants submit that dependent claim 22 is allowable as being dependent upon independent claim 21.

In summary, based on the aforementioned arguments, none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in Applicants' claims presently on file. Thus, Applicants respectfully submits that the entire application is in condition for allowance. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Date:

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